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			**	E-filed 6/28/06**	
1	Teresa S. Renaker – CA State Bar No. 187800 Claire Kennedy-Wilkins – CA State Bar No. 231897 LEWIS, FEINBERG, RENAKER & JACKSON, P.C. 1330 Broadway, Suite 1800 Oakland, CA 94612 Telephone: (510) 839-6824 Facsimile: (510) 839-7839 ckwilkins@lewisfeinberg.com trenaker@lewisfeinberg.com				
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6	Attorneys for Plaintiff				
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8	IN THE UNITED STATES DISTRICT COURT				
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA				
10	SAN JOSE DIVISION				
11	JULIE SCOTT,)			
12	Plaintiff,) (Case No. 05-00275	JF (PVT)	
13	VS.		STIPULATION AND [PROPOSED]		
14 15	UNUM LIFE INSURANCE COMPANY OF AMERICA and CISCO SYSTEMS, INC. LONG-TERM DISABILITY PLAN,		ORDER FOR DE NOVO REVIEW		
16	Defendants.)			
17)			
18	WHEREAS, on May 4, 2006, the Court granted Plaintiff's motion for leave to conduct				
19	discovery going to her claims under ERISA §§ 502(a)(1)(B) and 502(a)(3), 29 U.S.C. §§				
20	1132(a)(1)(B), (a)(3), and				
21	WHEREAS, on May 5, 2006, the Court granted Defendants' motion for judgment on the				
22	pleadings as to Plaintiff's ERISA § 502(a)(3) claim and allowed Plaintiff 30 days within which				
23	to amend the complaint, and				
24	WHEREAS, Plaintiff has not amended her complaint, and				
25	WHEREAS, the parties wish to avoid the expense and delay of conducting discovery				
26	and motions going to the appropriate standard of review of Plaintiff's ERISA § 502(a)(1)(B)				
27	claim,				
28	NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE				
	STIPULATION AND [PROPOSED] ORDER FOR DE NOVO REVIEW [Case No. 05-00275 JF (PVT)] Page 1				

PARTIES, THROUGH THEIR RESPECTIVE COUNSEL, THAT: 1 2 Plaintiff's claim for benefits under ERISA § 502(a)(1)(B) shall be reviewed de 3 novo by the Court. 2. 4 The Court's order for *de novo* review based on this stipulation shall render the 5 discovery requests previously served by Plaintiff in this matter moot, and Defendant shall have 6 no obligation to respond to these discovery requests. 7 3. On *de novo* review, the parties will not conduct any discovery in this action, 8 including but not limited to any discovery regarding the standard of review or the merits of 9 Plaintiff's claims. 10 4. Notwithstanding the above, if the parties' stipulation regarding the application of 11 de novo review is rejected by the Court, Plaintiff shall have 90 days from the date of such rejection to complete the discovery permitted in the Court's Order of May 4, 2006. 12 13 DATED: June 20, 2006 LEWIS. FEINBERG. RENAKER & JACKSON, P.C. 14 By: /s/ Teresa S. Renaker 15 Teresa S. Renaker Claire Kennedy-Wilkins 16 Attorneys for Plaintiff 17 DATED: June 23, 2006 **GREEN & HUMBERT** 18 By: Horace Green 19 Horace Green 20 Joanne Ryan 21 Attorneys for Defendants 22 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document. 23 24 Dated: June 23, 2006 /s/ Teresa S. Renaker Teresa S. Renaker 25 26 27 28

[PROPOSED] ORDER

Good cause appearing, and as stipulated by the parties, the Court hereby orders that Plaintiff's claim for benefits in this case will be reviewed by the Court *de novo*. The limited discovery authorized by the Court in its Order of May 4, 2006, and any discovery requests served by Plaintiff, are rendered moot by the application of the *de novo* standard of review in this case. Plaintiff shall withdraw any discovery requests served in this action and Defendants shall have no obligation to respond. On *de novo* review, the parties shall not conduct any discovery in this action, including but not limited to any discovery regarding the standard of review or the merits of Plaintiff's claims.

IT IS SO ORDERED.

DATED: ______, 2006

JEREMY FOLEL United States District Judge